

Notice of Allowability

Application No.

09/413,462

Applicant(s)

CARTIER ET AL.

Examiner

Lourdes C. Cruz

Art Unit

2827

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to An amendment filed 2/10/03.
2. ☒ The allowed claim(s) is/are 28-31 and 33.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Drawings

The following changes to the drawings have been required by the examiner: **All** of the **cross hatching** patterns should be selected from those shown on page 600-81 of the MPEP based on the material of the part. Also see 35 CFR 184 (h)(3) and MPEP 608.02.

In order to avoid abandonment of the application, applicant **must** make these above drawing changes.

The examiner acknowledges the corrected drawings filed 02/10/03. However, the examiner has not approved them for entry in view of the note indicating that the cross-hatching patterns will be removed from insulators. Also, see that new figures lack cross-hatching of all layers. See cross-hatching comment above.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: See that there is prior art regarding a semiconductor structure comprising at least one metal silicate layer in direct contact with a silicon oxide layer, said silicon oxide layer located directly on a Si containing substrate; an electrically conductive contact located directly

on an upper horizontal surface of the metal silicate dielectric materials; bottom and top electrodes, and Lanthanum silicate. See, for example, that Hsieh et al. (US 4432035) discloses all of the above.

However, the prior art e does not disclose applicants' claimed structure that includes at least a metal silicate formed on a silicon oxide layer. Applicant has defined silicates, **not silicides**, as **insulators** made of silicon oxide combined with a metal oxide. In contrast to silicides, which are, as explained above, conductors made of silicon combined with a refractory metal, **silicates** (as defined by applicant) are chemically different than silicides because of the presence of oxygen atoms in silicates, which are not present in silicides. Moreover, silicates have different physical properties than silicides (insulating vs. conductive).

In view of the differences discussed above, the prior art of record does not anticipate the claims of the present invention. The prior art of record fails to suggest the specifics of the present invention, and a combination of prior art will give no motivation in the application of references that would suggest modifying the structures disclosed in prior art to arrive at applicants' claimed structure **which includes** a metal silicate and, more particularly, a FET with a gate electrode located directly on an upper surface of the metal silicate.

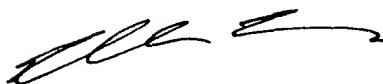
The above in combination with all structural limitations in the claims is neither obvious over nor anticipated by the prior art of record, hence the Notice of Allowability found herein.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lourdes C. Cruz whose telephone number is 703-306-5691. The examiner can normally be reached on M-F 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Talbott can be reached on 703-305-9883. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Elle Cruz
July 12, 2003

Lourdes C. Cruz
Examiner
Art Unit 2827



DAVID L. TALBOTT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800